

IN SENATE OF THE UNITED STATES.

MARCH 4, 1846.

Submitted, and ordered to be printed.

Mr. PHELPS made the following

REPORT :

The Committee on Revolutionary Claims, to whom was referred the petition of the heirs of John Campbell, report :

That John Campbell appears to have been employed in the quartermaster's department, in different capacities, from some time in the year 1776 until after the conclusion of the revolutionary war. In 1792 he rendered his account of disbursements from August, 1780, to the close of his service; but his account from 1776 to 1780 was never rendered. The reason assigned for this omission was, that he had placed his accounts and vouchers in the hands of his principal, Hugh Hughes, deputy quartermaster general, in whose hands they were accidentally burnt. These accounts have never been adjusted. Upon the adjustment of his account from 1776 to August, 1780, a balance was found due from him to the United States of \$2,841 03, without including in the adjustment his pay and emoluments. Of this balance, the sum of \$813 21 consisted of items suspended for want of satisfactory vouchers.

But, as Hughes never rendered his account, nor Campbell his, previous to August, 1780, it could not be ascertained either what sums Hughes had advanced to Campbell, or how much the latter had disbursed. No final settlement could be made. In this situation the matter remained until the year 1833, when Congress passed an act authorizing and requiring the accounting officers of the treasury to audit and adjust the accounts of Campbell, as forage master and assistant deputy quartermaster general, upon principles of equity and justice.

In pursuance of this act, the Auditor stated an account with the heirs of said Campbell, in which he credits them the amount of Campbell's pay and emoluments from 25th December, 1776, to 25th July, 1785, as assistant deputy quartermaster general for the whole period, although he was for a portion of that time a forage master merely, amounting to the sum of \$8,723 03. He charges the heirs with the above mentioned balance, found due from Campbell upon his account after August, 1780, first deducting from said balance the amount of the suspended items, (\$813 21,) which left the sum of \$2,027 82; which being deducted from the above sum of \$8,723 03, left a balance due the heirs from the United States of \$6,695 21, which sum was forthwith paid to them.

The object of this petition is, to obtain interest on the above sum of \$6,695 21, from the revolutionary period, which was computed by the memorialists to amount, at the time of said last mentioned adjustment, to the moderate sum of \$26,726 93.

It is to be observed that, in this proceeding, there was no accounting for the sums received by Campbell previous to August, 1780, nor of his disbursements before that time; but his accounts for that period remain precisely where they were before the special act was passed, the only effect of the act being to allow him the suspended items in his subsequent account, without the slightest evidence to remove the objections, and to give him his pay and emoluments for the whole period of his service; and for a portion of that period at a higher rate than he was entitled to.

The Auditor disallowed the claim for interest on the balance thus found due, and, as the committee think, for the most obvious and satisfactory reasons.

Mr. Campbell could never, previous to the act of 1833, have demanded his pay and emoluments as a debt due from the United States. He had never rendered his accounts; and, for aught that appeared then, or appears now, he had in his hands a balance of public money sufficient to cover his claim, and perhaps more. He did not stand in the relation of a creditor to the government, but rather in that of a defaulting officer. The act of Congress, if indeed it was designed to be carried out as it was, is to be regarded as a matter of gratuity and special favor, in permitting the heirs to receive his pay and emoluments without any accounting for the funds in his hands. Certainly the proceeding affords no evidence of a pre-existing debt, which had been drawing interest for nearly fifty years; nor is it to be supposed that Congress intended that the act should have relation to the revolutionary period, and that the balance of less than \$7,000 should be enhanced, by the increment of interest, to the enormous amount of more than \$33,000.

If, however, we suppose that Campbell was not indebted to the United States upon the account which has never been rendered, yet the claim is no better. He had placed himself, by his own act, in a situation where the debt could not be ascertained, and when he was apparently the debtor and not the creditor. As he was directly accountable to the government as a disbursing agent, there was no necessity for placing his accounts and vouchers in the hands of Hughes. If he chose to do so, it was at his own risk and upon his own responsibility, and he must meet the consequences.

As a general rule, the government never pays interest except by special contract; much less is it liable for interest before a claim is so presented as to make it the duty of the proper officer to adjust and allow it. Congress did, indeed, at the close of the revolutionary war, provide, in a certain way, for the allowance of interest; that is to say, they provided for the issuing of certificates bearing interest for certain debts when liquidated and adjusted. This was done upon the ground that the poverty of the government forbade its meeting its acknowledged liabilities. But this case comes within neither the letter nor spirit of the provision; for, in the first place, it cannot now be regarded as a debt due at that time, and secondly, if it were such, it was so situated, owing to the default of the claimant, that it could not be adjusted nor ascertained. To allow interest upon it under such circumstances, would, in the opinion of the committee, be a departure from all principle and all practice.

It is true there is evidence before the committee that Campbell, after 1792, was importunate for a settlement, but there was an insuperable obstacle in the fact that the accounts were not rendered and could not be settled.

The committee, therefore, recommend the following resolution :

Resolved, That the prayer of the petition be rejected.